

Remarks

With this response, Applicants have amended claims 1, 9, 21, 22, and 38, canceled claims 6, 17-20, 27 and 43, and have added no new claims. Thus, claims 1-5, 7-16, 21-26, 28-42 and 44-52 are presently pending. Consideration and allowance of each of these claims is respectfully requested.

1. Rejections Under 35 U.S.C. §102

In the Office Action, the Examiner has rejected independent claim 1 under 35 U.S.C. §102(b) as being anticipated by Evans, U.S. Patent No. 3,717,857 and by Morgan, U.S. Patent No. 6,461,245. In response, Applicants have amended independent claim 1 to include limitations previously recited in dependent claim 6 as these references, alone or in combination with each other or any other reference of record, do not disclose, teach or suggest, for example, the claimed invention that includes a selection device that selects, based on a generated characteristic profile or comparison profile, a pre-stored action program.

While Evans teaches a system for comparing a user's athletic swing with a reference swing by plotting the swing on top of the reference swing, Evans does not disclose, teach or suggest, among other things, the additional system component of a selection device that is configured to select a pre-stored action program. In Evans, there is no such selection device and no such pre-stored action program as the user is left to figure out on their own what to do with the aforementioned swing plots. (*See, e.g.*, col. 4, lines 39-48, of Evans).

Morgan is similarly deficient. While Morgan teaches providing a report of a golfer compared to a reference, namely that golfer's handicap peer group, it too fails to disclose a selection device that selects a pre-stored action program based on a characteristics profile or a comparison profile. In Morgan, the resulting comparison analysis report is provided to a club professional, who is intended to help the golfer improve their game. (*See, e.g.*, col. 3, lines 12-19, of Morgan). Thus, no system is disclosed in Morgan that includes a selection device for selecting a pre-stored program capable of providing suggestions for improvement that the user can implement, for example, by themselves if they so desire.

In addition, by indicating that a golf professional is needed to provide training help, Morgan actually teaches away from the claimed invention. Therefore, for this further reason, claim 1 is believed to be allowable over the Morgan reference.

The claimed invention is particularly advantageous in that it is directed to a system that provides unprecedented self-improvement assistance by enabling a user to use a pre-stored action program that is automatically selected based on the user and that can be tailored to specifically to help improve the user without needing the help of a professional if they so wish.

Keep in mind, these remarks are not intended to limit the claimed invention for use only by a user, e.g., practiser, as it is envisioned that it could also be employed by another, including a professional or the like, who is working with the user.

For at least the foregoing reasons, independent claim 1 is believed to be presented in condition for allowance and its allowance is respectfully requested.

While each of the claims that ultimately depend from independent claim 1, namely claims 2-5 and 7-16, are believed to be independently allowable, these dependent claims are also believed to be allowable for at least the same reasons as presented above with regard to independent claim 1.

Independent claims 17-20 have been cancelled, rendering their rejection moot.

In the Office Action, the Examiner has rejected independent claim 21 under 35 U.S.C. §102(b) as being anticipated by Evans, U.S. Patent No. 3,717,857. While independent claim 21 has been amended by changing the term “independent” to “in dependence” to make clear that this limitation means to be dependent on or based on, this amendment is presented simply to better define the invention and not to distinguish it from the prior art of record, including the Evans reference. In fact, this amendment simply returns claim 21 to a form in which it was previously presented in its parent, PCT application no. PCT/SE00/01501, at the time of the filing of the above-identified U.S. national phase application.

Claim 21 is believed to be presented in condition for allowance because Evans fails to disclose, teach or suggest any kind of a selection device that selects, based on a characteristic profile or comparison profile, “a pre-stored training model for improving the practisers’

performance as revealed by said comparison device” as is recited in claim 21. The athlete or practiser disclosed in Evans is left on their own to try to figure out what to do as no improvement help is provided after the athlete’s swing is plotted over the reference swing. More specifically, Evans fails to disclose, teach or suggest any kind of a system that includes a selection device that selects a pre-stored training model for improving performance that is based upon a characteristics profile or comparison profile as these two terms are defined in claim 21.

For at least these reasons, independent claim 21 is believed to be presented in condition for allowance and its allowance is respectfully requested.

In the Office Action, the Examiner has rejected independent claim 22 under 35 U.S.C. §102(b) as being anticipated by Evans, U.S. Patent No. 3,717,857. This claim has also been amended to change the term “independent” to “in dependence” for the same reason as with regard to independent claim 21. In addition, claim 22 has been amended to include limitations previously recited in dependent claim 27. As a result of the Evans reference failing to disclose, teach or suggest any kind of a computer program product of a computer processing system having any kind of selection means that is used to select a pre-stored action program depending on a characteristics profile or a comparison profile, independent claim 22 is believed presented in condition for allowance and its allowance is respectfully requested.

While each of the claims that ultimately depend from independent claim 22 namely claims 22-26 and 28-37, are believed to be independently allowable, these dependent claims are also believed to be allowable for at least the same reasons as presented above with regard to independent claim 22.

In the Office Action, the Examiner has rejected independent claim 38 under 35 U.S.C. §102(b) as being anticipated by Evans, U.S. Patent No. 3,717,857. This claim has also been amended to change the term “independent” to “in dependence” for the same reason as with regard to independent claim 21. In addition, claim 38 has been amended to include limitations previously recited in dependent claim 43. As a result of the Evans reference failing to disclose, teach or suggest any kind of a selection method step that implements a pre-stored action program

that is based on a characteristics profile or a comparison profile, independent claim 38 is believed presented in condition for allowance and its allowance is respectfully requested.

While each of the claims that ultimately depend from independent claim 38 namely claims 39-42 and 44-52, are believed to be independently allowable, these dependent claims are also believed to be allowable for at least the same reasons as presented above with regard to independent claim 38.

2. Rejections Under 35 U.S.C. §103

In the Office Action, the Examiner has rejected claims 14, 35 and 52 under 35 U.S.C. §103(a) as being unpatentable over Morgan, U.S. Patent No. 6,461,245, in view of Cleveland, U.S. Patent No. 5,816,953. Each of claims 14, 35 and 52 are believed to be allowable over the combination of the Morgan and Cleveland references because neither reference, alone or in combination, discloses a “percentage distribution of successful [tennis] shots in relation to unsuccessful ones” as is required by each of these three claims. While Cleveland discloses recording when a ball hits a predetermined target area, Cleveland is completely devoid of any disclosure of any ratio or percentage distribution of successful shots to unsuccessful shots being determined or otherwise provided. For at least these reasons, claims 14, 35 and 52 are believed presented in condition for allowance and their allowance is respectfully requested.

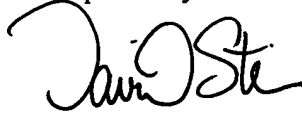
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Conclusion and Petition for Two Month Extension

With this response, a check is enclosed in the amount of \$215 for a two month extension of time from August 5, 2004 to October 5, 2004, all for a small entity. No other fees are believed to be payable with this communication. However, the Commissioner is authorized to charge any other fees or credit any overpayment to Deposit Account No. 50-1170.

It is believed that the application is now in condition for allowance and such action is earnestly requested. If the Examiner believes that a telephone interview with the undersigned would facilitate the prosecution and allowance of the application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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